

**Exhibit A**

## Manny Newburger

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**From:** Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>  
**Sent:** Thursday, May 11, 2017 1:28 PM  
**To:** [tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com); Manny Newburger  
**Cc:** Xerxes Martin; Michael Wood; Celetha Chatman; Zimmer Robert  
**Subject:** RE: Ozmun

No, Tyler. It is not ok. Nothing about this has been ok. The implications you make in your motion are wrong because there are no ongoing settlement negotiations and no effort to reach out to us to schedule this matter. I have serious doubts that your client even knew the order existed till yesterday.

*Robbie Malone*



D: 214-346-2625 | F: 214-346-2631

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**From:** [tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com) [mailto:[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)]  
**Sent:** Thursday, May 11, 2017 1:20 PM  
**To:** Manny Newburger <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>; Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>  
**Cc:** Xerxes Martin <[xmartin@mamlaw.com](mailto:xmartin@mamlaw.com)>; Michael Wood <[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>; Celetha Chatman <[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>; Zimmer Robert <[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>  
**Subject:** RE: Ozmun

Counselors,

I have filed a opposed Motion to Postpone Ruling on the MSJ for an Additional 30 days.

Obviously, I do not know what the judge will rule but I feel it prudent to suggest a date and time for the conference. If we hold it on May 23 @ 10 AM, that should give your clients enough time.

Sincerely,

Tyler Hickle  
Attorney-at-Law

Phone: 512-289-3831  
Fax: 512-870-9505  
4005C Banister Lane  
Ste. 120C  
Austin, TX 78704  
[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)

----- Original Message -----

Subject: RE: Ozmun  
From: Manny Newburger <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>  
Date: Thu, May 11, 2017 12:21 pm  
To: Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>, "[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)" <[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)>  
Cc: Xerxes Martin <[xmartin@mamlaw.com](mailto:xmartin@mamlaw.com)>, Michael Wood

<[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>, Celetha Chatman  
<[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>, Zimmer Robert  
<[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>

I want to echo that. "Unable" would imply that you tried to do this before the deadline set by the Court. CLG made no effort at compliance. While Robert's good faith in trying to discuss settlement on Monday is not in doubt, Celetha and Michael, as the lawyers in charge of this case, wholly ignored the Court's order. None of you made the slightest effort to schedule the meeting.

My client is not local. Robbie's client is not local. You demand that we agree that a meeting can occur only on Tuesday mornings, then (after the Court's deadline) want to give us less than a week's notice. I am still awaiting an explanation of that conduct, upon which I could base a decision to agree or not on your proposed motion.

Manny

512.649.4022 | Direct

---

**From:** Robbie Malone [<mailto:rmalone@mamlaw.com>]  
**Sent:** Thursday, May 11, 2017 12:11 PM  
**To:** [tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com); Manny Newburger  
**Cc:** Xerxes Martin; Michael Wood; Celetha Chatman; Zimmer Robert  
**Subject:** RE: Ozmun

Tyler,

That is not true. NO one reached out to us. My client was prepared to meet as was Manny's. I will not agree to a motion that contains false statement to the court.

*Robbie Malone*



D: 214-346-2625 | F: 214-346-2631

---

**From:** [tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com) [<mailto:tylerhickle@hicklelegal.com>]  
**Sent:** Thursday, May 11, 2017 12:07 PM  
**To:** Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>; Manny Newburger <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>  
**Cc:** Xerxes Martin <[smartin@mamlaw.com](mailto:smartin@mamlaw.com)>; Michael Wood <[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>; Celetha Chatman <[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>; Zimmer Robert <[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>  
**Subject:** RE: Ozmun

Robbie,

I hear and understand what you are saying.

An extension is needed because the parties have been unable to meet. It is not for delay but so that justice may be done.

I don't see how anyone is prejudiced by this request.

Sincerely,

Tyler Hickle  
Attorney-at-Law

Phone: 512-289-3831

Fax: 512-870-9505  
4005C Banister Lane  
Ste. 120C  
Austin, TX 78704  
[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)

----- Original Message -----

Subject: RE: Ozmun  
From: Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>  
Date: Thu, May 11, 2017 12:04 pm  
To: "[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)" <[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)>, "Manny Newburger" <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>  
Cc: Xerxes Martin <[xcartin@mamlaw.com](mailto:xcartin@mamlaw.com)>, Michael Wood <[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>, Celetha Chatman <[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>, Zimmer Robert <[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>

Tyler,

Ok. But you are asking us to agree to your motion. We are asking what is the basis for your motion. What is the explanation you intend to offer Judge Sparks about why an extension is needed?

*Robbie Malone*



D: 214-346-2625 | F: 214-346-2631

---

**From:** [tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com) [<mailto:tylerhickle@hicklelegal.com>]  
**Sent:** Thursday, May 11, 2017 12:02 PM  
**To:** Manny Newburger <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>; Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>  
**Cc:** Xerxes Martin <[xcartin@mamlaw.com](mailto:xcartin@mamlaw.com)>; Michael Wood <[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>; Celetha Chatman <[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>; Zimmer Robert <[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>  
**Subject:** RE: Ozmun

Manny,

I believe it is unfair to characterize that I am proposing to disregard an order of the Court. I was requesting an agreement that I would reduce to a motion and present to the court for its approval.

Sincerely,

Tyler Hickle  
Attorney-at-Law

Phone: 512-289-3831  
Fax: 512-870-9505  
4005C Banister Lane  
Ste. 120C  
Austin, TX 78704  
[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)

----- Original Message -----

Subject: RE: Ozmun

From: Manny Newburger <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>

Date: Thu, May 11, 2017 11:56 am

To: Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>, "tylerhickle@hicklelegal.com" <[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)>

Cc: Xerxes Martin <[xcmartin@mamlaw.com](mailto:xcmartin@mamlaw.com)>, Michael Wood <[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>, Celetha Chatman <[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>, Zimmer Robert <[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>

Tyler, I want to add that what you propose is not what Judge Sparks ordered. His order was clear and unequivocal. As an officer of the court I do not believe that I have the right to disregard it.

Can you provide any basis for disregard of the express requirements of the order?

Manny

512.649.4022 | Direct

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**From:** Robbie Malone [<mailto:rmalone@mamlaw.com>]

**Sent:** Thursday, May 11, 2017 10:18 AM

**To:** [tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com); Manny Newburger

**Cc:** Xerxes Martin; Michael Wood; Celetha Chatman; Zimmer Robert

**Subject:** RE: Ozmun

Tyler,

I assume your proposal is for May not April. I am not inclined to rewrite Judge Sparks' order without a really good reason. Additionally the "offer" provided to me to pass on to my client does not appear to have considered Judge Sparks' order foreshadowing his opinion about the merits of your case.

I understand you cannot change the past but for me to go to my client and ask them to agree I need to tell them something. So again, what is the explanation you will be providing to Judge Sparks?

*Robbie Malone*



D: 214-346-2625 | F: 214-346-2631

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**From:** [tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com) [<mailto:tylerhickle@hicklelegal.com>]

**Sent:** Thursday, May 11, 2017 10:12 AM

**To:** Manny Newburger <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>; Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>

**Cc:** Xerxes Martin <[xcmartin@mamlaw.com](mailto:xcmartin@mamlaw.com)>; Michael Wood

<[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>; Celetha Chatman

<[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>; Zimmer Robert <[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>

**Subject:** RE: Ozmun

Counselors,

I agree with a lot of what you are saying but I can't change the past. Please know that I would very much like to resolve both this issue and the entire case.

So how about this:

Someone from Mr. Newburger's firm comes to my office on April 16th for a short meeting with Mr. Ozmun present. Someone from Ms. Mallone's firm is available by phone. I believe that meets the in person requirement and the appropriate parties requirement. We all agree to extend the time for the meeting. This minimize expenses and the consumption of the judge's time.

I'm also open to other solutions but I'd like to focus on solutions, not the allocation of blame.

Sincerely,

Tyler Hickle  
Attorney-at-Law

Phone: 512-289-3831  
Fax: 512-870-9505  
4005C Banister Lane  
Ste. 120C  
Austin, TX 78704  
[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)

----- Original Message -----

Subject: Re: Ozmun

From: Manny Newburger <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>

Date: Thu, May 11, 2017 9:48 am

To: Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>

Cc: "[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)" <[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)>, Xerxes

Martin <[smartin@mamlaw.com](mailto:smartin@mamlaw.com)>, Michael Wood

<[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>, "Celetha Chatman"

<[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>, Zimmer Robert

<[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>

And I agree with Robbie's comment. You were given a deadline to meet and to dismiss. It has expired. We have each asked you a reasonable question. Conferring in good faith as to whether we object requires a response.

Manny

Manuel H. Newburger  
Licensed in Texas and Colorado  
Barron & Newburger, PC  
7320 N. MoPac Expy.  
Suite 400  
Austin, TX 78731  
(512) 649-4022 (Direct)  
(512) 476-9103, x-216  
Cell: (512) 797-3328  
[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)  
Sent from my iPhone

On May 11, 2017, at 7:43 AM, Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)> wrote:

Tyler,

The deadline is a straight 30 days. There is no rule that allows for adding 3 days in this case. My client is not local. I did not agree to that date. I don't know that my client is even available.

You have not answered my question. What is your explanation for waiting to the deadline has expired to even reach out to us? I cannot tell you if I am opposed if I don't know the basis for your request.

*Robbie Malone*

<image001.png>

D: 214-346-2625 | F: 214-346-2631

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**From:** [tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com) [<mailto:tylerhickle@hicklelegal.com>]

**Sent:** Thursday, May 11, 2017 9:36 AM

**To:** Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>; Manny Newburger <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>

**Cc:** Xerxes Martin <[smartin@mamlaw.com](mailto:smartin@mamlaw.com)>; Michael Wood <[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>; Celetha Chatman <[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>; Zimmer Robert <[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>

**Subject:** RE: Ozmun

Robbie,

I don't believe the time period set by the court has expired. My reading of Rule 6, and the Judge's order, leads me to believe the time period expires on Monday.

Please let me know whether defendants oppose plaintiff's motion to extend.

The conference is set for 10 AM, April 16th, at 4005C Banister Lane, Ste. 120C.

Sincerely,

Tyler Hickle  
Attorney-at-Law

Phone: 512-289-3831  
Fax: 512-870-9505  
4005C Banister Lane  
Ste. 120C  
Austin, TX 78704  
[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)

----- Original Message -----

Subject: RE: Ozmun

From: Robbie Malone <[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>

Date: Thu, May 11, 2017 9:20 am

To: "tylerhickle@hicklelegal.com"  
<tylerhickle@hicklelegal.com>, "Manny  
Newburger" <mnewburger@bn-lawyers.com>  
Cc: Xerxes Martin <xmartin@mamlaw.com>, Michael  
Wood  
<mwood@communitylawyersgroup.com>, Celetha  
Chatman  
<cchatman@communitylawyersgroup.com>, Zimmer  
Robert  
<zimmerlawtx@gmail.com>

Tyler,

With all due respect... no one reached out to us with in the  
time set by the court. I even brought it up to Celetha. What  
explanation do you have for the fact that no one on your side  
attempted to comply with the court order?

*Robbie Malone*

<image001.png>

D: 214-346-2625 | F: 214-346-2631

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**From:** [tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)  
[mailto:[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)]  
**Sent:** Thursday, May 11, 2017 8:33 AM  
**To:** Manny Newburger <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>  
**Cc:** Xerxes Martin <[xmartin@mamlaw.com](mailto:xmartin@mamlaw.com)>; Robbie Malone  
<[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>; Michael Wood  
<[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>; Celetha Chatman  
<[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>; Zimmer Robert  
<[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>  
**Subject:** RE: Ozmun

Mr. Newburger,

I have not stated and do not believe I was entitled to  
ignore the order.

Sincerely,

Tyler Hickle  
Attorney-at-Law

Phone: 512-289-3831  
Fax: 512-870-9505  
4005C Banister Lane  
Ste. 120C  
Austin, TX 78704  
[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)

----- Original Message -----

Subject: Re: Ozmun

From: Manny Newburger <[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)>



Date: Thu, May 11, 2017 8:30 am  
To: "[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)"  
<[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)>  
Cc: Xerxes Martin <[XMartin@mamlaw.com](mailto:XMartin@mamlaw.com)>, Robbie Malone  
<[rmalone@mamlaw.com](mailto:rmalone@mamlaw.com)>, Michael Wood  
<[mwood@communitylawyersgroup.com](mailto:mwood@communitylawyersgroup.com)>, Celetha Chatman  
<[cchatman@communitylawyersgroup.com](mailto:cchatman@communitylawyersgroup.com)>, Zimmer Robert  
<[zimmerlawtx@gmail.com](mailto:zimmerlawtx@gmail.com)>

The deadline to comply with that order ran yesterday. On what basis do you believe you were entitled to ignore the order?

Manny

Manuel H. Newburger  
Licensed in Texas and Colorado  
Barron & Newburger, PC  
7320 N. MoPac Expy.  
Suite 400  
Austin, TX 78731  
(512) 649-4022 (Direct)  
(512) 476-9103, x-216  
Cell: (512) 797-3328  
[mnewburger@bn-lawyers.com](mailto:mnewburger@bn-lawyers.com)  
Sent from my iPhone

On May 11, 2017, at 6:21 AM,  
"[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)"  
<[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)> wrote:

Counselors,

I am writing for two reasons: (1) to schedule the in person meeting Judge Spark's ordered and (2) to see if any defendant opposes Mr. Ozmun's motion to extend the time to comply with that order.

Mr. Ozmun is available to meet only on Tuesdays mornings due to his night job and his sleeping schedule. Would we be able to meet at my office on this upcoming Tuesday? If not, can we meet the following Tuesday? I would like to schedule the meeting before filing the motion.

Sincerely,

Tyler Hickle  
Attorney-at-Law

Phone: 512-289-3831  
Fax: 512-870-9505  
4005C Banister Lane  
Ste. 120C  
Austin, TX 78704  
[tylerhickle@hicklelegal.com](mailto:tylerhickle@hicklelegal.com)